IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

WP(C).No. 12890 of 2007(H)

PETITIONER:

THE OTTAPPALAM TALUK CO-OPERATIVE
EDUCATIONAL SOCIETY LTD(P.908),PALAKKAD DIST,
PIN:679 101:
REP.BY ITS SECRETARY,A.SIVARAMAN.

BY ADV. SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENTS:

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1. THE ASSISTANT PROVISDENT FUND
COMMISSIONER, SUB REGIONAL OFFICE,
P.B.NO.1806,
ERNAKULAM, KOZHIKODE.

2. THE ASSISTANT REGISTRAR(GENERAL),
OFFICE OF THE ASSISTANT REGISTRAR OF
CO-OPERATIVE SOCIETIES(GENERAL)
OTTAPPALAM.

BY ADV.SHRI.THOMAS MATHEW NELLIMOOTTIL, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 12890 of 2007 H

Dated, this the 12th day of April, 2007

J U D G M E N T

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

2. Question is whether the petitioner is liable to pay Provident Fund contribution for the employees. The case of the petitioner is that petitioner is just incorporated and employees are engaged on contract basis and are not regular employees for whom contribution is payable. The learned counsel for the respondents submitted that even for temporary-employees contribution is payable. In any case, since the matter can be adjudicated in an enquiry under Sec. 7A of the Employees Provident Fund Act, petitioner is directed to file objection before 1st respondent who will conduct enquiry and forward report to the Regional Provident Fund Commissioner for deciding the matter after hearing the petitioner.

This WP(C) is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg